IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No.

10/007,448

CENTRAL FAX CENTER

Applicants

David Lewis, Hans Herweijer, James E. Hagstrom,

SEP 0 9 2005

Aaron Loomis, Jon A. Wolff,

Filed

11/07/2001

Art Unit

1635

Examiner

Gibbs, Terra C.

Docket No.:

Mirus.030.03

For: Inhibition Of Gene Expression By Delivery Of Small Interfering RNA To Post-

Embryonic Animal Cells In vivo

Commissioner for Patents

P.O. Box 1450

Alexandria VA, 22313-1450

PETITION UNDER 37 C.F.R. § 1,78(a)(3) TO ACCEPT A DELAYED CLAIM BENEFIT UNDER 35 U.S.C. 120 OF FILED COPENDING NONPROVISIONAL APPLICATION

Dear Sir:

Applicant hereby petitions in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit for this application under 35 U.S.C. 120 as a continuation-in-part of application No. 09/447,966 filed on November 29, 1999, now Pat No. 6,627,616, which claims benefit to provisional applications 60/121,730, filed Feb. 26, 1999, and 60/146,564, filed Jul. 30, 1999; and is a Continuation-In-Part from nonprovisional application 09/391,260, filed Sep. 7, 1999 which is a Divisional from nonprovisional application 09/975,573, filed Nov. 21, 1997 now U.S. Pat. No. 6,265,387 issued Nov. 21, 1997, which is a Continuation from 08/571,536, filed Dec. 13, 1995, abandoned.

Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

Enclosed is a credit card pay form, please charge the amount of \$130.00 to cover the petition fee as set forth in § 1.17(m).

Please forward the attached amendment and response to the Examiner.

If there are any questions, please contact the undersigned.

Respectfully submitted,

Mark K. Johnson Reg. No. 35,909

Mirus Bio 505 South Rosa Road Madison, WI 53719

608-238-4400

I hereby certify that this correspondence is being sent by facsimile transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 9 19 205

Mark Johnson